

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Gene Klingler)	
Vessel WN9074ZN)	File No.: EB-FIELDWR-15-00019460
)	
Long Beach, WA 98631)	NOV No.: V201532920005

NOTICE OF VIOLATION

Released: July 8, 2015

By the Resident Agent, Portland Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Gene Klingler, Vessel WN9074ZN, Long Beach, Washington. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On June 25, 2015, in response to a radio frequency interference complaint from the United States Coast Guard Sector Columbia River, concerning interference to frequencies 121.5 MHz and 243 MHz, an agent of the Enforcement Bureau's Portland Office located the interfering signal to a faulty Emergency Position Indicating Radio Beacon (EPIRB) model ACR Magnum B, associated with a life-ring on the vessel, operating on fundamental frequency 121.5 MHz in Long Beach, Oregon, and observed the following violation:

- a. 47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communication." During an inspection conducted on June 25, 2015, an agent observed that the On-Off switch on the referenced EPIRB was broken and the device was inadvertently held in the "On" position, with no authorized purpose for the transmissions.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Mr. Klingler, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

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4. In accordance with Section 1.16 of the Rules, we direct Mr. Klingler to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Mr. Klingler, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in his possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Portland Office
P.O. Box 61469
Vancouver, Washington 98666-1469

6. This Notice shall be sent to Gene Klingler at his address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Office
Western Region
Enforcement Bureau

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).